

Citizen journalism and freedom of expression

Is there a specific need to keep citizen journalism above normal journalistic practices such as gate keeping? CSHN MURTHY says one cannot assert unquestioningly that blogging promotes a healthy and interactive democracy.

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The Supreme Court judgment on the [blogging](#) on social networking sites in the case Ajith D vs Shiv Sena, sent a warning signal to all the bloggers in India that blogging in any form, anonymous or explicit, is subject to the same restrictions applicable to the freedom of speech enshrined under article 19(1)(a) of Indian Constitution. (Dhananjay Mahapatra: *Bloggers can be nailed for their views*, *The Times of India*, Feb 24, 2009).

The provocation for the ruling came in an appeal from 19-year-old D.Ajith from Kerala whose blogpost on a community website said that the Shiv Sena was a divisive political outfit pursuing the policy of dividing the country on the basis of religion and caste. Aggrieved by these comments, the Shiv Sena youth wing in Mumbai filed a criminal case against Ajith in the Thane police station. After obtaining bail from the Kerala High Court, Ajith filed an appeal in the Supreme Court to quash the complaint on the ground that the contents on a social networking site did not have defamation value. However, the Supreme Court did not view [blogging](#) as a means of absolute expression of freedom above the jurisdiction of any law or test of any law under article 19(1)(a). In other words, its order clearly stated that blogging is subject to laws of libel and slander and if proved offensive in a trial by a court of law, the blogger cannot escape the prosecution.

The advocates of citizen journalism and free blogging criticized the Supreme Court judgment stating that, "Today freedom of expression lost a case in India. The case tested the balance between freedom of expression and other freedoms, particularly in a context of social media activism. Who won? It is not clear. What is clear is that the freedom of expression is lost." (Nikhil Moro on Civic and Citizen Journalism Interest Group: *Times of India* New Delhi February 25, 2009).

Aarthi S Anand, a Corporate attorney and IT law specialist, in her article [Blogging in the time of pink slips](#) (*The Hindu* Opinion Page: Feb 25, 2009) cited several instances where employees lost their jobs or were compelled to resign for airing their views through online journals or blogs. While citing the famous IIPM-Gaurav Sabnis-IBM episode, she raised the question whether the law countenances the criticism on blogs as a permissible ground for firing employees? She also raised a question--can private employment contracts be used to muzzle the freedom of speech?

Though this was the first case in India to set a tone for value-based blogging online, there have been other instances raising similar concerns. There was the famous legal notice which [Barkha Dutt](#) of NDTV sent to one of the bloggers who posted a blog on the Gaurovonomics blog (Dec 2, 2008)

criticizing her role of reporting during the Mumbai attacks (26/11). (*The Hoot* Editorial, June 25, 2009).

Of late citizen journalism, which of course by definition and scope includes all kinds of blogging, Facebook, and Twitter, is emerging as an alternative media ecology.

Though still in large part structured in dominance by Western news corporations and the news flows from the "West to the rest", today's world news ecology also incorporates established and emergent non-Western news formations and a plethora of alternative news forms and outlets generating news contra-flows and/or circulating oppositional views and voices from the "rest to the West", the local to global, write Stuart Allan and Einar Thorsen (*Citizen Journalism-Global Perspectives*, Peter Lang, 2009) emphasizing the dramatic reversal of the role, that citizen journalism is currently demonstrating.

But they add, "Much hangs, clearly, on what exactly is meant by citizenship and also journalism and the plural meanings and projects now pursued in respect of both. More generally, citizen journalism has proved to be creatively adept at putting to work the now constantly updating and superseding communication technologies that have become widely available." (Preface xi)

Need to be above gate keeping and agenda setting

Deeply opposed to all forms of commercial and market-driven journalism, and to satisfy their conscience, bloggers in the blogosphere or citizen journalists elsewhere argue that there is a specific need to keep the citizen journalism above the normal journalistic practices such as gate keeping and agenda setting.

The birth of citizen journalism as such, as evidently pointed out by Allan and Thorsen above, lay in crisis reporting and wartime reporting which was much affected by gate keeping. Later it spread to the other areas of global pandemics. Journalists who felt let down or restricted by their editors in exposing the truth turned to the web blogging or citizen journalism as the only alternative to protect the truth or satisfy their conscience. It means the journalists at one time in their career felt that their reporting or writing should be above gate keeping, in the interest of truth and truth alone.

Citizen journalists argue that in the current scenario of the [mainstream journalism](#), the truth is a casualty and whatever is reported in the paper/in electronic media cannot be trusted as truth by the people any longer. (Sept 13, 2004). They quote the Dan Rather controversy in the US in which [Dan Rather](#)'s sources were fabricated documents and in fact fraudulent.

We have such examples in India too and a few to quote from the latest are given below:

1. The example of [Uma Khurana](#), a school teacher being implicated in a sex scandal by a TV Channel for which the Times of India had offered lead stories in the front page is one which is still in fresh our memories. (Protests in Delhi over School Sex Scandal: August 30, 2007).

2. Another glaring example is the TV Channels airing the bathroom scenes of Monica Bedi when she was in jail in Bhopal (Aug 25, 2007). In order to stop the live transmission of her bath room visuals, she had to rush to the Supreme Court. These examples would raise the question about the very existence of a restrained and responsible journalism in the mainstream journalism.

Even in the mainstream media TV channels like CNN-IBN and NDTV have their own posts for the citizen journalism through blogs and posts. Though the electronic/ print media and web journalism today are invariably offering a space for the citizen journalism, it is part of a marketing strategy to hold on to a larger audience or readership rather than recognizing the value or importance of citizen journalism per se, says noted former editor of *Navbharat Times* of Lucknow edition, Professor N.K.Trikha.

Most professional journalists of the mainstream press look at the citizen journalism or web-blogging as spaces for personal comments or spaces for expression of personal views. One need not pay too much attention to these views, given the fact on any one issue, there would be a million divergent views. The purpose of journalism, they argue, is to achieve a consensus and uniformity on certain major issues among the different sections of the society through [agenda setting](#). But this is not possible for any individual to achieve through one's web blogging, Facebook or Twitter.

An article^{FF}Why the twitter-bugs cannot change Iran^{FF}s regime?^{FF}by Swapan Dasgupta, appeared recently in The Times of India (June 21, 2009), is another example to cite that Iran^{FF}s popular vote which went in favour of its present President Mahamoud Ahmadinejad did not correspond to the massive opinions expressed against him through Twitter and Facebook.

According to M.V.Kamath, former Editor of the *Illustrated Weekly of India*, that a web blog is sometimes the manifestation of more divergent and unacceptable views also, floated by some self-styled mavericks. In short, web blogging, he says, undoubtedly gives a greater expression to one's^{FF} freedom of expression^{FF} than the traditional print media or modern electronic media, falls short of the ability to integrate and unify. Sometimes, the web blogs could be lackadaisical and even more reckless towards social responsibility and may promote fissiparous or divisive tendencies adds M.V.Kamath citing examples of blogs in support of Al-Qaeda, Lashkar e Toiba, etc.

Dealing with the positive side of citizen journalism, Prasun Sonwalker writes that in 2006, the first Indian website wholly devoted to citizen journalism was set up, named^{FF}merinews^{FF} (called my news) with the motto: "Power to people". Upadhyay was its first founder and editor who called his website a^{FF} product with a mission; a people^{FF}s news plat form of the people, by the people, for the people, providing power to the people and empowering democracy. (Prasun Sonwalker, 2009).

Sonwalker described the success stories of blogging on mobile phones which a Delhi-based government employee Lalchung Siem used for protecting the lives of two people who fell into a river in the Saidan village in Manipur. Lalchung Siem actually established the mobile web blogging for preserving a tribal language specific to Hmar tribals. Though he discussed a few scattered

examples of how citizen journalism had done wonders and benefited the local communities and the people of the North East, he did not try to place it in the context of why citizen journalism as evidenced from blogging/facebook/twitter should have an unrestricted freedom of expression.

Web bloggers feel that there is someone who is hearing them and responding too. They cite how web blogging helped the corporation people to carry out relief operations in Mumbai during 2005 torrential rains. This itself is sufficient enough to validate that a healthy democracy must permit citizen journalism as a part of shock absorbing mechanism or as an alternative ventilating mechanism leading to cathartic processes.

Articles 19 (1) (a) and 19(2) ---why limitations ?

However, there is no way where a citizen can express his opinion in public and still continue to be the judge of the same. Once a view has been aired into the public domain, it is subject to the checks and balances, and myriads of interpretations. The very purpose giving freedom of expression under article 19(1) (a), with a rider of article 19(2), is that an expression is not absolute when it relates to the views of divergent and pluralistic society. Even in the name of answering conscience or proclaiming the truth, freedom of expression can not be absolute. Even by ordinary logic one's views are subject to upward refinement in a fast changing society, views keep changing. Hence going onto public domain through internet or print media or television media in the name of exposure of truth may always not prove healthy to the society.

Secondly, the accountability issue remains as controversial with citizen journalism as much as with the mainstream journalism. In case of social turmoil or chaos following a blog being put on a web, especially anonymously or with a byline, who should shoulder the responsibility? When one expresses an opinion, he or she should be in a position to own up the responsibility to the statement and stand for legal scrutiny. Especially when the argument in favour citizen journalism is essentially to expose the truth and speak out the facts, the responsibility should be accepted. This is the essence of UK High Court [ruling](#) in the case of Richard Horton's anonymous blogging related to the internal happenings in the police department of UK.

Public scrutiny

It is not enough to simply air views. It is as much required for one to ensure that the expressed opinion is taken note of and the action followed suit. Such a freedom of expression calls for public scrutiny.

Public scrutiny and accountability to public bring the rider of limitation on the freedom of expression as a natural corollary. If one publishes one's view on a website in a blog anonymously and neither the website owner nor the blog owner accepts the responsibility for opinion expressed which might have far reaching implications to the tranquility of the society, the citizen journalism turns out to be even worse than the mainstream journalism" says eminent journalist and columnist M.V.Kamath, Director of Manipal Institute of Communication. He says that "it is not seeking the freedom of expression above the article 19 (1) (a) but it is a matter of accepting or owning the responsibility and demonstrating accountability by standing up to the public

scrutiny."

In the ultimate analysis, one cannot assert unquestioningly that web blogging promotes a healthy and interactive democracy. At the same time it has to be accepted that web blogging allows cathartic processes and keeps the society off the tensions of regular life.

Therefore, there is no meeting point at the present between the advocates of citizen journalism and the mainstream journalism, though bloggers are still independent to report topics of interest for various communities within the laws of defamation and libel and slander in India. From the above arguments both for and against, one can conclude that the unrestricted citizen journalism in the form of blogging, Facebook and Twitter may prove a double- edged weapon and still need to be standardized.

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